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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,071	07/30/2003	Terry M. Martin	200208611-1	9436

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EXAMINER	
IBRAHIM, MOHAMED	
ART UNIT	**PAPER NUMBER**
2144	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/630,071	MARTIN ET AL.	
	Examiner	Art Unit	
	Mohamed Ibrahim	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 10, 12-16, 18, 20-24, 26-29, 31-33, 35-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite an abstract idea, since the claimed steps do nothing more than intercept, write and provide, which would amount to only thoughts. The claims do not recite a result of the intercepted message which is useful, concrete and tangible nor is there a physical transformation, so as to be available for use in a practical application. As for independent claims 28 and 32, the claims are fine as far as the computer readable medium is concern, however, they too also lack useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaler et al (Kaler), U. S. Publication No. 2004/0199586.

Regarding claim 1, Kaler discloses a method for collecting data regarding a messaging session (see e.g. paragraph [0014]; gathering information on a session by accessing the body or the header of the message), the method comprising: intercepting an incoming message (see e.g. paragraph [0014], [0028] and [0067]; messages are intercepting by extracting information in their header or body portion of the SOAP); writing session information to a thread-local variable (see e.g. paragraphs [0015]-[0016] and [0029]; initiating message processor by establishing communication between one or more processor including session identifiers and message sequences in the session); and providing the incoming message to an associated system component (see e.g. pg. Paragraph [0017]; after processing, the message is routed to intermediary processor which in return routes to its destination).

Regarding claim 2, Kaler disclose wherein intercepting an incoming message comprises intercepting an extensible markup language (XML) message wrapped in a simple object access protocol (SOAP) envelope (see e.g. paragraph [0067]).

Regarding claim 3, Kaler discloses wherein intercepting an incoming message comprises intercepting a service request (see e.g. paragraph [0016]).

Regarding claim 4, Kaler discloses wherein intercepting an incoming message comprises intercepting a service response (see e.g. paragraph [0016]).

Regarding claim 5, Kaler discloses wherein writing session information to a thread-local variable comprises writing at least a session identification to the thread-local variable (see e.g. paragraph [0018]).

Regarding claim 6, Kaler discloses wherein writing session information to a thread-local variable comprises writing at least one of a session identification, a source name of the sender of the message, a message type, a destination name of the intended recipient, and a message received time (see e.g. paragraphs [0030] and [0041]).

Regarding claim 7, Kaler discloses wherein writing session information to a thread-local variable comprises writing session information to a thread-local variable using a message handler (see e.g. paragraph [0029]).

Regarding claim 8, Kaler discloses wherein writing session information to a thread-local variable comprises writing session information to a thread-local variable using a simple object access protocol (SOAP) message handler (see e.g. paragraph [0067]).

Regarding claim 9, Kaler discloses further comprising storing session information in a database (see e.g. fig. 2 item 275 and paragraph [0059] and [0082]).

Regarding claim 10, Kaler discloses further comprising intercepting an outgoing message and performing a thread-local variable lookup so as to receive the session information written to the thread-local variable (see e.g. paragraph [0079]).

Regarding claim 11, Kaler discloses further comprising storing session data regarding the outgoing message to a database (see e.g. fig. 2 item 275 and paragraph [0059] and [0082]).

Regarding claim 12, Kaler discloses further comprising instrumenting the outgoing message with session information (see e.g. paragraph [0016]).

Claim 13 list all the same elements of claim 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 13.

Regarding claim 14, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 15, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 16, the limitation of this claim has already been addressed (see claim 8).

Regarding claim 17, the limitation of this claim has already been addressed (see claim 9 above).

Regarding claim 18, the limitation of this claim has already been addressed (see claim 10 above).

Regarding claim 19, the limitation of this claim has already been addressed (see claim 11 above).

Regarding claim 20, the limitation of this claim has already been addressed (see claim 12 above).

Claim 21 list all the same elements of claim 1, but in system logic form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 21.

Regarding claim 22, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 23, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 24, the limitation of this claim has already been addressed (see claim 8 above).

Regarding claim 25, the limitation of this claim has already been addressed (see claim 9 above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 10 above).

Regarding claim 27, the limitation of this claim has already been addressed (see claim 12 above).

Claim 28 list all the same elements of claim 1, but in computer readable medium form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 28.

Regarding claim 29, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 30, the limitation of this claim has already been addressed (see claim 9 above).

Regarding claim 31, the limitation of this claim has already been addressed (see claim 8 above).

Claim 32 list all the same elements of claim 1, but in a computer readable form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 32.

Regarding claim 33, the limitation of this claim has already been addressed (see claims 5 and 12 above).

Regarding claim 34, the limitation of this claim has already been addressed (see claim 9 above).

Regarding claim 35, the limitation of this claim has already been addressed (see claim 8 above).

Regarding claim 36, Kaler discloses a network service, comprising: logic configured to process requests sent from a client (see e.g. fig. 6 and paragraph [0011]; a message is

received from a client); a first message handler including logic configured to intercept an incoming message directed at the network service (see e.g. paragraph [0028]; an electronic message is accessed through the header or body portions of the SOAP) and logic configured to write session information to a thread-local variable (see e.g. paragraph see e.g. paragraphs [0015]-[0016], [0029] and [0083]; initiating message processor by establishing communication between one or more processor including session identifiers and message sequences in the session); and a second message handler including logic configured to intercept an outgoing message sent by the network service and logic configured to perform a thread-local variable lookup to receive session information pertinent to the outgoing message (see e.g. paragraph [0079] [0083], [0094]; the system provides the querying of session information in a repository).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MI/MI

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